

ARTICLE 52

(Zoning Bylaw Amendment: Island Perimeter Restrictions)

To see if the Town will vote to amend Chapter 139 (Zoning) § 22 (Island perimeter restrictions) of the Code of the Town of Nantucket as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

§ 139-22. Island perimeter restrictions.

- B. ~~In all districts except the Residential Commercial District~~ Except as otherwise provided in paragraphs C, D and E of this Section 139-22, the construction of new docks and piers and wharves, ~~including extensions of new or enlarged docks, piers or wharves,~~ the extension of existing docks, piers or wharves, and the addition or creation of new appurtenant structures (defined as floats or ramps) for existing docks, piers or wharves is prohibited for shorefront land in all districts, except those docks, wharves and piers approved by the Nantucket Conservation Commission in the former Residential Commercial District as of April 30, 1992 July 31, 2005, and where a private pier previously existed on the premises. ~~and/or future docks, wharves and piers of governmental or public entities.~~ Nothing in this section 139-22 shall prohibit nor regulate the repair, maintenance or replacement of any lawfully existing dock, pier or wharf ~~lawfully existing as of April 30, 1992,~~ so long as such dock, pier or wharf is not extended nor any new appurtenant structures are added thereto.
- C. ~~Temporary moratorium on new docks, piers, and wharves in the RC District. Notwithstanding the provisions of Subsection B above, no new docks, piers, and wharves, including extensions of new or enlarged docks, piers and wharves, the extension of existing docks, piers or wharves, and the addition or creation of new appurtenant structures (defined as floats or ramps) for existing docks, piers or wharves shall be constructed in the RC District, except those docks, wharves and piers approved by the Nantucket Conservation Commission as of April 11, 2005, and/or future docks, wharves and piers of governmental or public entities. Nothing herein shall prohibit nor regulate the repair, maintenance or replacement of any dock, pier or wharf lawfully existing or permitted by the Nantucket Conservation Commission as of April 11, 2005, so long as such dock, pier or wharf is not extended nor any new appurtenant structures are added thereto. This moratorium shall remain in effect until December 31, 2006, while the Town of Nantucket updates its Harbor Plans for both Nantucket and Madaket Harbors.~~

In the Harbor Overlay District only, new docks, piers or wharves for commercial or industrial water-dependent use and the extension and addition of new appurtenant structures to any lawfully existing dock, pier or wharf for purposes of commercial or industrial water-dependent uses are

permitted uses.

- D. Any proposed extension or reconfiguration of or addition or creation of new appurtenant structures to a preexisting legally nonconforming dock, pier or wharf must be reviewed and approved by the special permit granting authority in accordance with §139-33.A(4). In addition to the findings required by that section, the special permit granting authority shall find that the proposed extension, reconfiguration or addition does not result in a net increase of the structure's existing footprint. Such applications shall be referred by the special permit granting authority to the Department of Marine and Coastal Resources for comment and recommendation in accordance with the procedures of §139-30.
- E. In all districts new docks, wharves and piers of municipal, county, state, or federal agencies or public docks as defined below, and/or community docks serving areas that are not accessible by land-based transportation are permitted uses. The words 'public docks' as used in this section shall be defined as 'a dock, pier or wharf that is open to the public at large, or at which services or goods for vessels are made available directly to the public.

Or, to take any other action as may be related thereto.

(Board of Selectmen for Harbor Plan Implementation Committee)